

HOUSE BILL 1302

By Jones S

AN ACT to amend Tennessee Code Annotated, Title 39
and Title 40, relative to crimes and civil liability for
such crimes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 13, Part 1, is amended by
adding the following as a new section:

§ 39-13-1__.

(a) A person commits the offense of unlawful restraint if:

(1) The person for pecuniary benefit transports an individual in a manner
that:

(A) Is designed to conceal the individual from local, state, or
federal law enforcement authorities; and

(B) Creates a substantial likelihood that the individual will suffer
serious bodily injury or death.

(2) The person restricts a person's movements without consent, so as to
interfere substantially with the person's liberty, by moving the person from one (1)
place to another or by confining the person. Restraint is without consent if it is
accomplished by force, intimidation, or deception.

(b) A violation of this section is a Class E felony.

(c) A violation of this section that results in the restrained person's death
is a Class D felony.

(d) A person who violates this section including knowingly benefitting from participating in a venture that violates this section may be civilly liable to the person unlawfully restrained.

SECTION 2. Tennessee Code Annotated, Title 39, Chapter 13, Part 5, is amended by adding the following as new sections thereto:

§ 39-13-5__.

(a) A person commits the offense of compelling prostitution if the person knowingly:

(1) Causes a person by force, threat, or fraud to commit prostitution; or

(2) Causes a person younger than eighteen (18) years of age by force, threat, or fraud to commit prostitution, regardless of whether the person knew the child's age.

(b) A violation of subdivision (a)(1) is a Class E felony.

(c) A violation of subdivision (a)(2) is a Class D felony.

§ 39-13-5__.

(a) A person commits the offense of compelling production of pornography if the person through force, threats, or fraud causes a person to undress, have pornographic photographs taken of them or perform sexual acts on film.

(b) A violation of this section is a Class E felony.

SECTION 3. Tennessee Code Annotated, Title 39, Chapter 13, Part 3, is amended by adding the following new section:

Section 39-13-312.

(a) A person who engages in trafficking in violation of §§ 39-13-308 or 39-13-309, including knowingly trafficking another person, or intentionally or knowingly benefitting from participating in a venture that traffics another person, is liable to the

person trafficked, as provided in this section, for damages arising from the trafficking of that person.

(b) It is not a defense to civil liability under this section that the conduct giving rise to liability under this section resulted in the person being acquitted or not being prosecuted or convicted of a violation of §§ 39-13-308 or 39-13-309, or that the person was convicted of a different offense or of a different type or class of offense.

(c) A plaintiff who prevails in a suit under this section may recover actual damages, including damages for mental anguish, even if an injury other than mental anguish is not shown.

(d) In addition to an award under subsection (c), a plaintiff who prevails in a suit under this section may recover exemplary damages and reasonable attorney's fees.

SECTION 4. This act shall take effect July 1, 2009, the public welfare requiring it.